

REMARKS

1. Status of claims

After entry of the above amendment, claims 1-2, 4-6, 20-21, 23-29, 31-32, and 34-40 are pending.

2. Support for amendment

The amendment of claims 20-21 and 31-32 finds support at p. 4, lines 27-32. This amendment is made without prejudice against presenting canceled subject matter at a later time. No new matter has been added by this amendment.

3. Claim rejections under 35 U.S.C. §112

First, the Examiner rejected claims 20-21 and 31-32 under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the Examiner alleged indefiniteness on the ground that parent claims 2 and 29 recited at least one angiogenic peptide selected from the group consisting of bone-derived angiogenic proteins (BDAPs), vascular endothelial cell growth factor (VEGF), or other angiogenic peptides as listed in the claims, but that claims 20-21 and 31-32 recited at least one angiogenic peptide comprising BDAPs or VEGF.

By the above amendment, claims 20-21 and 31-32 recite the limitation that the angiogenic peptide of claim 2 or 29 is a BDAP or VEGF. Therefore, Applicants submit the claims are definite and the basis for this rejection of claims 20-21 and 31-32 has been removed.

Second, the Examiner rejected claims 20-21 and 31-32 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, the

Examiner alleged the specification did not disclose any angiogenic peptide comprising BDAPs or VEGF. By the above amendment, the terms “comprising BDAPs” or “comprising VEGF” have been replaced with the terms “is a BDAP” or “is VEGF” in claims 20-21 and 31-32. Therefore, Applicants submit the basis for this rejection has been removed.

4. *Conclusion*

Applicants submit all pending claims are in condition for allowance. The Examiner is invited to contact the undersigned patent agent at (713) 934-4065 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON, P.C.
CUSTOMER NO. 45488

February 9, 2007

/Raymund F. Eich/
Raymund F. Eich, Ph.D.
Reg. No. 42,508

10333 Richmond, Suite 1100
Houston, Texas 77042
(713) 934-4065
(713) 934-7011 (fax)

AGENT FOR APPLICANTS